IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 1ST NOVEMBER 2007 / 10TH KARTHIKA 1929

Bail Appl..No. 6580 of 2007()

[CRIME NO.70/2007 OF SULTHAN BATHERY EXCISE RANGE]

: PETITIONER/ACCUSED

PENNAMMA @ SUBHADRA, W/O.LATE
BHASKARAN, AGED 75 YEARS, MAVARAYIL HOUSE,
MOOKUTHIKUNNU, NOOLPUZHA AMSOM DESOM,
SULTHAN BATHERY, WAYANAD DISTRICT.

BY ADV. SRI.N.J.ANTONY

RESPONDENTS: COMPLAINANT/STATE

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1. EXCISE INSPECTOR, SULTHAN BATHERY.

2. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.6580 of 2007

Dated this the 1st day of November 2007

O R D E R

Application for anticipatory bail. The petitioner is a woman aged more than seventy years. The petitioner was allegedly found to be in possession of 3 litres of arrack on 1/10/2007. As the detecting excise party did not consist of any woman police official, the petitioner could not be arrested. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the petitioner is innocent. She is old and sick. The arrest of the petitioner is absolutely unnecessary now also. The petitioner is willing to surrender before the learned Magistrate and seek regular bail. It is directed that anticipatory bail may, in these circumstances, be granted to the petitioner.

3. The learned Public Prosecutor does not oppose the application. Considering the age of the petitioner and in the circumstance of the case, the petitioner may be directed to surrender before the learned Magistrate and co-operate with the investigating officers, submits the learned Public Prosecutor.

4. I am satisfied that this petition can be allowed and anticipatory bail can be granted to the petitioner.

5. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 07/11/2007. She shall be released on regular bail on condition that she executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioner shall make herself available for interrogation before the investigating officer as and when directed by the investigating officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with her in accordance with law, as if these directions were not issued at all.

(iv) If she were arrested prior to 07/11/2007, she shall be released from custody on her executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 07/11/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007